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ABSTRACT

Organizations like the Mexican American Correctional Association have brought to the attention of Spanish-speaking criminal justice groups the problems affecting Mexican American citizens. Although changes are necessary in all facets of the administration of the justice system, substantive progress is being made. For example, the Office for Improvements in the Administration of Justice has been established to study various alternative approaches to bringing the justice system closer to the people. This office has already set up experimental neighborhood justice centers in three major cities to serve as local citizens dispute resolution centers to keep minor crimes out of the state court systems so the major crimes may be given priority. Among the more specific proposals that may, in the future, affect corrections employees are: the proposed legislation to update and revise the Federal criminal code; the legislation which would grant the Attorney General authority to institute civil actions in the Federal courts to redress deprivations of constitutional rights, and to intervene in litigation where it has been alleged that prisoners have been deprived of such rights; and the ongoing development of standards for Federal prisons. Many corrections administrators are viewing these proposals in the light of problems that might develop after their enactment. (NQ)

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CORRECTIONS AND THE MEXICAN AMERICAN CITIZEN:

A NEED FOR REVIEW

BY

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TO

MEXICAN AMERICAN CORRECTIONAL ASSOCIATION
OXNARD, CALIFORNIA

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U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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THE HILTON INN
DECEMBER 9, 1977
6:30 pm

I WANT TO THANK THE MEMBERS OF THIS ASSOCIATION FOR AGAIN INVITING ME TO PARTICIPATE IN THIS CONVENTION, AND TO INSTALL YOUR NEW OFFICERS.

ALTHOUGH THE MEXICAN AMERICAN CORRECTIONAL ASSOCIATION IS A CALIFORNIA-BASED ORGANIZATION, ITS GOOD WORK HAS COME TO THE ATTENTION OF SPANISH-SPEAKING CRIMINAL JUSTICE GROUPS ALL OVER THE COUNTRY. AND, OF COURSE, IT IS THIS KIND OF ATTENTION THAT ENABLES MACA TO HAVE CONTINUOUS IMPACT ON PROBLEMS AFFECTING OUR FELLOW MEXICAN AMERICAN CITIZENS.

I'D LIKE TO ESPECIALLY CONGRATULATE THE VENTURA COUNTY CHAPTER PRESIDENT, REFUGIO GARCIA, AND ALL THOSE GROUPS WHOM HE HAS WORKED WITH IN THE PAST FEW MONTHS. THROUGH THEIR FORE-SIGHT AND COMMITMENT, A NUMBER OF POTENTIALLY VOLATILE COMMUNITY PROBLEMS ARE NOW BEING ADDRESSED.

FOR EXAMPLE, MANY OF YOU ARE PROBABLY AWARE OF THEIR EXCELLENT WORK IN ASSISTING TO DEVELOP A COMMUNITY CENTER FOR YOUNG PEOPLE -- ONE THAT IS SIGNIFICANTLY DIFFERENT IN CONCEPT AND PURPOSE THAN THE TRADITIONAL, RUN-OF-THE-MILL POLICE/ BOYS CLUBS. HE AND MEMBERS OF PADRES, HIJOS, Y ESTUDIANTES UNIDOS SHOULD ALSO BE CONGRATULATED ON THEIR EXCELLENT WORK IN RESOLVING SCHOOL AND POLICE PROBLEMS AND SPEARHEADING EFFORTS TO DEVELOP THE COMMUNITY CENTER.

THIS KIND OF ACTIVITY CONFIRMS THE VALUE OF STRONGER LINKS BETWEEN YOUR ORGANIZATION AND MINE, THE COMMUNITY RELATIONS SERVICE. AND I SINCERELY BELIEVE THAT IT MAY WELL FORM THE BASIS FOR STRONGER TIES BETWEEN THE MEXICAN AMERICAN CORRECTIONAL ASSOCIATION AND OTHER EXECUTIVE AND LEGISLATIVE LEVELS OF BOTH THE STATE AND FEDERAL GOVERNMENTS IN THE FUTURE.

AS THE OLD SAYING GOES, "JUST A LITTLE BIT OF SUGAR HELPS THE MEDICINE GO DOWN." BY CARRYING OUT PROJECTS LIKE THOSE JUST MENTIONED, YOU GAIN ACCEPTANCE AND RESPECT FROM OFFICIALS WHO MIGHT LATER BECOME YOUR SOUNDING BOARD ON MINORITY VIEWS FOR CHANGE IN THE ADMINISTRATION OF JUSTICE SYSTEM.

WE'RE HERE TONIGHT AT A MOST CRUCIAL TIME; A TIME WHEN THE BASIC TENETS OF OUR CRIMINAL JUSTICE SYSTEM ARE UNDER REVIEW.

AS YOU PROBABLY KNOW FROM PERSONAL EXPERIENCE BOTH ON AND OFF THE JOB, THERE ARE A GREAT NUMBER OF MINORITIES WHO CONTEND THAT WHEN THE WHITE MAJORITY USES THE WORD "JUSTICE," THEY MEAN "JUST-US." AND EVEN AFTER MORE THAN A DECADE OF POLICIES AIMED AT MOVING MINORITIES INTO THE MAINSTREAM -- POLICIES LIKE EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION -- THERE IS STILL CONSIDERABLE EVIDENCE TO SUPPORT THE DISTURBING VIEW OF AN OPERATIONALLY DUAL SYSTEM, A SYSTEM OF "JUST-US."

I'VE DEVOTED THE LAST 26 YEARS OF MY LIFE TO THAT SYSTEM -- AS A PATROLMAN ... LEGAL COUNSELOR ... PROSECUTOR ... CONCILIATOR

... MEDIATOR ... AND NOW AS ACTING DIRECTOR OF CRS. LIKE YOURSELVES, I'VE WITNESSED SOME TREMENDOUS HUMAN HARM DONE THROUGH INSTITUTIONAL FAULTS. BUT I CAN REMEMBER FEW TIMES IN THOSE 26 YEARS WHEN OUR SYSTEM WAS UNDER AS MUCH FIRE AS IT IS NOW. AND RIGHTLY SO.

EVEN A CURSORY EXAMINATION OF THE FACTS REVEALS THE AMOUNT OF WORK STILL TO BE DONE AND MANY CHANGES TO BE MADE BEFORE FAIR, EQUAL, AND SWIFT JUSTICE IS AFFORDED ALL. THESE CHANGES, OF COURSE, ARE NECESSARY IN EVERY FACET OF THE ADMINISTRATION OF JUSTICE SYSTEM; THE POLICE LEVEL, THE LEGAL PROFESSION, THE COURTS, AND THE CORRECTIONS SYSTEM.

POLICE

FIRST, LET'S TAKE A LOOK AT THE POLICE.

NEARLY EVERY WEEK, THERE ARE NEWSPAPER HEADLINES SOMEWHERE IN THIS COUNTRY INDICATING AN ONGOING OR PLANNED INVESTIGATION INTO POLICE ACTIVITIES. SOME OF THESE ARE ADMITTEDLY MINOR PROBES. HOWEVER, OTHERS INVOLVE SERIOUS CONCERNS ARISING FROM CHARGES OF POLICE BRUTALITY, INSENSITIVITY, AND EXCESSIVE USE OF FORCE.

THE CASELOAD OF MY AGENCY POINTS OUT THAT SUCH ALLEGATIONS AND THE MINORITY COMMUNITY DISPUTES ARISING FROM THEM HAVE NOT SUBSIDED SINCE THE '60's. IN FACT, THEY HAVE BECOME MORE COMPLEX AND EXPLOSIVE.

FOR EXAMPLE, IN 1975 AND 1976, WE RESPONDED TO 180 SERIOUS POLICE/COMMUNITY DIFFICULTIES. OF THESE, 58 CONCERNED FATAL SHOOTINGS WITH 36 INVOLVING BLACKS AND 20 INVOLVING THE SPANISH-SPEAKING. AN ADDITIONAL 14 INVOLVED NON-FATAL SHOOTINGS, AND 72 INVOLVED THE ALLEGED EXCESSIVE USE OF FORCE.

THE PATTERN IS CONTINUING THIS YEAR. IN FISCAL YEAR 1977, WE RESPONDED TO 21 CASES INVOLVING FATAL SHOOTINGS, 16 INVOLVING ALLEGATIONS OF POLICE BRUTALITY, AND 39 INVOLVING CHARGES OF GENERAL HARASSMENT AND ABUSE OF MINORITY CITIZENS.

COMPOUNDING THIS SITUATION IS THE FACT THAT MINORITIES ARE SEVERELY UNDERREPRESENTED IN POLICE RANKS, ESPECIALLY AT THE COMMAND LEVEL. AT PRESENT, MINORITIES COMPRISE ONLY AN ESTIMATED FOUR PERCENT OF ALL SWORN OFFICERS. THIS DRAMATICALLY LOW PERCENTAGE WORKS HAVOC NOT ONLY WITH A STANDARD OF TRUE JUSTICE FOR ALL, BUT ALSO WITH THE POSSIBILITY FOR INTERNAL, VOLUNTARY CHANGE IN POLICE POLICIES WITHOUT CONFRONTATIONS, PROTESTS, AND DEMONSTRATIONS.

LEGAL PROFESSION AND THE COURTS

IF THE STATISTICS ON MINORITY POLICE ARE FOUND DEPRESSING, THOSE IN THE LEGAL PROFESSION COULD DRIVE YOU TO OUTRIGHT DESPAIR.

ACCORDING TO THE MOST RECENT CENSUS DATA, FEWER THAN ONE-TENTH OF ONE PERCENT OF ALL UNITED STATES LAWYERS ARE MINORITIES. AND AS IF THAT ISN'T ENOUGH, THE VAST MAJORITY OF THESE ARE DEFENSE LAWYERS, LEAVING THE VITAL AREA OF PROSECUTION ALMOST A TOTALLY WHITE PRESERVE.

ONE OF SHAKESPEARE'S CHARACTERS IN HENRY IV, PART 2, ONCE UTTERED "THE FIRST THING WE DO, LET'S KILL ALL THE LAWYERS." NOW THAT WOULD BE CRIMINAL. BUT IT IS ALSO CRIMINAL THAT SO MANY QUALIFIED HISPANICS ARE NOT CONSIDERING LAW AS A PROFESSION, AND THAT THOSE WHO HAVE ARE NOT BEING RECRUITED FOR PROSECUTION POSITIONS.

STATE AND FEDERAL COURTS TOO HAVE RELATIVELY FEW MINORITIES SERVING JUDGESHIPS, AS IS WITNESSED BY THE CONTINUAL PLEA FROM THE NAACP, THE URBAN LEAGUE, THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, AND OTHER GROUPS TO CONSIDER MORE QUALIFIED MINORITIES FOR SUCH CRITICAL POSITIONS.

CORRECTIONS

I'M SURE YOU'RE ALL AWARE OF THE SITUATION HERE. ACCORDING TO THE SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS, RELEASED IN 1976 BY LEAA, APPROXIMATELY 49 PERCENT OF THE INMATES IN STATE CORRECTIONAL INSTITUTIONS ARE MINORITIES. AND OTHER SOURCES SHOW THE PROPORTION OF MINORITIES IN THE PRISONER POPULATION

OF EACH JURISDICTION TO BE HIGHER THAN THE ESTIMATED PROPORTION OF MINORITIES IN THE CIVILIAN POPULATION OF THAT JURISDICTION. IN SIMPLE TERMS, THAT MEANS WE ARE SEVERELY OVERREPRESENTED IN PRISON TOTALS.

MEANWHILE, IT IS ESTIMATED THAT LESS THAN 12 PERCENT OF ALL CORRECTIONAL INSTITUTION EMPLOYEES ARE MINORITIES, AND LESS THAN TWO PERCENT ARE HISPANIC.

BESIDES THESE STRICT EMPLOYMENT INEQUITIES, AMERICAN PENAL INSTITUTIONS ARE UNDER ATTACK FOR FAILING TO DO THEIR JOB FOR SOCIETY, AND FOR FAILING TO DO A GOOD JOB FOR PRISONERS. AND IF PRISONS FAIL WITH PRISONERS IN GENERAL, THEY FAIL ESPECIALLY WITH MINORITY PRISONERS.

WHILE PRISON DISPUTES DO NOT MAKE UP A REAL LARGE PERCENTAGE OF THE CRS CASELOAD, OUR INVOLVEMENT HAS BEEN ENOUGH TO SUGGEST THAT PRISONS ARE INSTITUTIONS THAT ARE RIPE FOR RACIAL CONFLICT. MANY OF YOU MAY BE FAMILIAR WITH CASES IN WHICH CRS HAS PLAYED A MAJOR ROLE -- IN THE JEFFERSON PARISH, LOUISIANA PRISON; THE UTAH STATE PRISON AT DRAPER; THE MINNESOTA STATE REFORMATORY FOR MEN AT ST. CLOUD; OR THE WASHINGTON STATE PRISON FACILITIES AT MONROE AND WALLA WALLA. UNFORTUNATELY, MOST OF YOU PROBABLY ALSO KNOW THAT THE CONDITIONS WHICH EXISTED THERE ARE NOT MUCH DIFFERENT THAN EXIST ELSEWHERE -- IN MOST CASES, ONLY THE TIMING MAKES THE DIFFERENCE.

WHILE PUBLIC DEBATES CONTINUE ON THE MERITS OF REHABILITATION VS. PUNISHMENT, DETERMINATE VS. INDETERMINATE SENTENCING, AND OTHER TOPICS, A GREAT NUMBER OF INMATES IN THIS COUNTRY ARE BEING FORCED TO LIVE IN OVERCROWDED, SUBSTANDARD, AND UNHEALTHY PRISON CELLS; CELLS THAT SERVE AS LITTLE MORE THAN FERTILE BREEDING GROUNDS FOR MUCH OF THE UNREST AND VIOLENCE THAT HAS CHARACTERIZED THE PRISON ENVIRONMENT FOR THE PAST DECADE.

AND AS OUR DEPUTY ATTORNEY GENERAL STATED PUBLICLY A FEW MONTHS AGO, "WHILE THE PURPOSE OF IMPRISONMENT IS PUNISHMENT, THE RESULT MUST NECESSARILY BE A REHABILITATED HUMAN BEING OR THE REVOLVING DOOR WILL BECOME A SYMBOL OF OUR NATIONAL FAILURE. ONE CANNOT BECOME A MORE RESPONSIBLE HUMAN BEING WHILE BEING TREATED INHUMANELY."

I DID NOT COME HERE TODAY, THOUGH, MERELY TO PASS ON TO YOU THE FAULTS OF OUR CRIMINAL JUSTICE SYSTEM. AS PRACTITIONERS OF JUSTICE IN YOUR DAILY JOBS, I'M SURE YOU'RE FAMILIAR WITH THE CONDITIONS I'VE JUST BRIEFLY DESCRIBED. BUT IT'S IMPORTANT FOR US TO CONTINUE FOCUSING ON THE NEED FOR CHANGE IN THE ADMINISTRATION OF JUSTICE SYSTEM, FOR IT IS BECOMING INCREASINGLY MORE DIFFICULT TO CONVINCE A LARGELY APATHETIC NATION OF THE SERIOUSNESS OF THIS SYSTEM'S ILLS.

I HOPE THIS ADDRESS MEETS PART OF THAT CHALLENGE.

WHILE THE NEED FOR CHANGE IS DRAMATICALLY EVIDENT, I'M PLEASED TO ANNOUNCE THAT SUBSTANTIVE PROGRESS IS BEING MADE.

WE HAVE A NEW ATTORNEY GENERAL -- GRIFFIN BELL -- WHO HAS REPEATEDLY ESPOUSED THE VIEW THAT THE DEPARTMENT OF JUSTICE SHOULD INCREASINGLY EXERCISE A NATIONAL LEADERSHIP ROLE IN ASSURING JUSTICE AT ALL LEVELS OF SOCIETY. MANY OF YOU MAY BE SAYING TO YOURSELVES "THAT'S BEEN SAID BEFORE," AND I'LL GRANT YOU THAT IT HAS.

BUT IN MY 11-YEAR TENURE WITH THE DEPARTMENT, I'VE NEVER SEEN CHANGE SO ENTHUSIASTICALLY EXAMINED OR SO READILY ACTED UPON. LET ME CITE JUST A FEW EXAMPLES:

. A NEW STRUCTURE, KNOWN AS THE OFFICE FOR IMPROVEMENTS IN THE ADMINISTRATION OF JUSTICE, HAS BEEN ESTABLISHED. THIS OFFICE IS STUDYING VARIOUS ALTERNATIVE APPROACHES TO BRINGING THE SYSTEM OF JUSTICE CLOSER TO THE PEOPLE, AND HAS ALREADY SET UP EXPERIMENTAL NEIGHBORHOOD JUSTICE CENTERS IN THREE MAJOR U.S. CITIES. THESE ARE DESIGNED TO SERVE AS LOCAL CITIZENS DISPUTE RESOLUTION CENTERS TO KEEP MINOR CRIMES OUT OF THE STATE COURT SYSTEMS SO THE MAJOR CRIMES MAY BE GIVEN PRIORITY. IF FOUND SUCCESSFUL, MORE SUCH CENTERS WILL BE ESTABLISHED.

. A NUMBER OF STUDIES ARE UNDERWAY AT THE DEPARTMENT TO

IMPROVE THE ADMINISTRATION OF JUSTICE MACHINERY. AMONG THESE ARE: (1) STUDIES TO IMPROVE CLASS ACTION PROCEDURES AND TO PROVIDE ALTERNATIVES FOR HANDLING MASS GRIEVANCES: (2) A PROPOSAL TO AUTHORIZE AN EXPERIMENT IN SOME FEDERAL DISTRICT COURTS WITH COMPULSORY, BUT NON-BINDING ARBITRATION FOR CERTAIN KINDS OF CIVIL CASES; (3) A COMPREHENSIVE REVIEW OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION AND THE PROCESS OF FEDERAL FUNDING FOR RESEARCH IN BOTH CRIMINAL AND CIVIL FIELDS; AND (4) AN EFFORT BY THE ATTORNEY GENERAL TO WORK ALONG WITH THE STATES UNDER A NEW JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT TO ASSIST IN DEALING WITH YOUNG OFFENDERS IN WAYS THAT WILL PREVENT THEM FROM BECOMING HARDENED CRIMINALS.

THESE ARE ONLY A FEW EXAMPLES OF WHAT I PERCEIVE AS THE COMING OF A "NEW DAY" IN THE DEPARTMENT OF JUSTICE AND THE ADMINISTRATION OF JUSTICE SYSTEM ACROSS THE NATION.

IN THE NEXT FEW MINUTES, I'D LIKE TO ADDRESS SOME OF THE MORE SPECIFIC PROPOSALS THAT MAY, IN THE FUTURE, AFFECT YOU AS CORRECTIONS EMPLOYEES.

FIRST AND FOREMOST IS THE PROPOSED LEGISLATION TO UPDATE AND REVISE THE FEDERAL CRIMINAL CODE. THE ATTORNEY GENERAL REFERRED TO THIS AS "THE MOST COMPREHENSIVE REVISION OF OUR FEDERAL CRIMINAL LAW IN THE NATION'S HISTORY." A MORE ACCURATE DESCRIPTION COULD NOT BE FOUND FOR A 400-PAGE DOCUMENT THAT WILL SURELY AFFECT YOUR LIVES AS CRIMINAL JUSTICE PROFESSIONALS.

THE BILL, OF COURSE, DEALS WITH A COMPLETE REVAMPING OF THE CODE, INCLUDING THE CONTROVERSIAL PROVISIONS OF SENTENCING GUIDELINES. A SENATE REPORT ON THE BILL, KNOWN AS S 1437 IS NOW COMPLETED. THE HOUSE VERSION, KNOWN AS HR 6869, IS PRESENTLY IN THE HOUSE JUDICIARY SUBCOMMITTEE.

A SECOND PROPOSAL NOW UNDER REVIEW WOULD GRANT THE ATTORNEY GENERAL AUTHORITY TO INSTITUTE CIVIL ACTIONS IN THE FEDERAL COURTS TO REDRESS DEPRIVATIONS OF CONSTITUTIONAL RIGHTS, AND TO INTERVENE IN LITIGATION WHERE IT HAS BEEN ALLEGED THAT PRISONERS HAVE BEEN DEPRIVED OF SUCH RIGHTS. IN ADDITION, THE LEGISLATION WOULD ALLOW THE ATTORNEY GENERAL TO FILE A SUIT WHERE HE BELIEVES A PATTERN OR PRACTICE OF DEPRIVATIONS IN CONSTITUTIONAL RIGHTS IN PRISONS HAS OCCURRED, AND WHERE CERTAIN PRE-SUIT NEGOTIATIONS HAVE TAKEN PLACE.

THE ATTORNEY GENERAL HAS PUBLICLY STATED THAT AN OPPORTUNITY WOULD FIRST BE AFFORDED TO THE STATE TO CORRECT SUCH SITUATIONS, BUT THAT INFRACTIONS OF A SERIOUS NATURE NOT ACTED UPON BY THE STATE WOULD REQUIRE HIS INTERVENTION.

WHAT THIS TRANSLATES INTO IS ANOTHER VEHICLE FOR THE REDRESS OF ALLEGED VIOLATIONS OF A PRISONER'S RIGHTS. AND FOR YOU, THIS MEANS ANOTHER PROPOSAL REQUIRING YOUR PERSONAL ATTENTION SINCE IT AGAIN MAY CHANGE THE FACE OF OUR PRISONS.

THE LEGISLATION PROPOSING THIS CHANGE IS NOW NOTED AS

HR 9400 (A "CLEAN BILL" FROM HR 2349) ON THE HOUSE SIDE, AND S 1393 IN THE SENATE.

A FINAL PROPOSED CHANGE I'D LIKE TO BRING TO YOUR ATTENTION THIS EVENING CONCERNS THE ONGOING DEVELOPMENT OF STANDARDS FOR FEDERAL PRISONS. THE ATTORNEY GENERAL HAS AUTHORIZED A DEPARTMENTAL CORRECTIONS POLICY TASK FORCE, OF WHICH I AM A MEMBER, TO THOROUGHLY REVIEW THE FEDERAL CORRECTIONS POLICY, WITH AN IMMEDIATE GOAL IN MIND OF DEVELOPING NATIONAL CORRECTIONS STANDARDS.

THE COMMITTEE HAS AT THIS POINT REVIEWED THE CODES OF STANDARDS FROM SEVERAL ORGANIZATIONS, INCLUDING THOSE OF THE AMERICAN CORRECTIONAL ASSOCIATION, THE AMERICAN BAR ASSOCIATION, AND THE NATIONAL SHERIFFS ASSOCIATION. THE TASK FORCE WILL SOON ISSUE ITS STUDY RESULTS IN THE FORM OF A DRAFT OF STANDARD GUIDELINES.

THE DEVELOPMENT OF ANY SUCH STANDARDS WILL SURELY HAVE AN IMPACT ON THOSE INSTITUTIONS IN WHICH YOU DAILY WORK.

THE PROPOSED CHANGES I HAVE DISCUSSED HERE POSE CHALLENGES TO EACH OF YOU AS CORRECTIONS EMPLOYEES. AND MANY CORRECTIONS ADMINISTRATORS ARE VIEWING EACH OF THE PROPOSALS IN THE LIGHT OF PROBLEMS THAT MIGHT DEVELOP AFTER THEIR ENACTMENT. FOR EXAMPLE --

. ON THE CONTROVERSIAL ISSUE OF SENTENCING GUIDELINES, WHAT EFFECT WILL SUCH A MEASURE HAVE ON INMATE CONTROL IN THE PRISON SETTING? IF THE INMATE KNOWS EXACTLY HOW MUCH TIME HE OR SHE WILL SPEND INCARCERATED, WILL THIS AFFECT PRISON BEHAVIOR POSITIVELY OR NEGATIVELY?;

. ON THE GRANTING OF GREATER INTERVENTION AUTHORITY TO THE ATTORNEY GENERAL, ALREADY A CONTROVERSY IS BREWING OVER THE POWER OF THE FEDERAL GOVERNMENT TO INITIATE OR INTERVENE IN LAWSUITS INVOLVING STATE INSTITUTIONS. EVEN WITH THE CAREFULLY THOUGHT OUT RESTRICTIONS AND PROPOSED METHOD OF INTERVENTION, STRONG OPPOSITION TO THE BILL IS PROMISED. THE AMERICAN BAR ASSOCIATION AND THE AMERICAN CIVIL LIBERTIES UNION ARE ACTIVELY SUPPORTING THE LEGISLATION, WHILE THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL IS ACTIVELY OPPOSING ITS ENACTMENT;

. AS REGARDS THE DEVELOPMENT OF NATIONAL CORRECTIONS STANDARDS, A NUMBER OF PROBLEMS HAVE SURFACED. THERE IS SOME CONCERN ABOUT THE POSSIBLE APPLICATION OF THE STANDARDS AT THE STATE LEVEL, EVEN THOUGH NO FORMAL OR OFFICIAL DECISIONS HAVE BEEN REACHED. ONE RESULT, HOWEVER, IS CLEAR: WHATEVER IS DEVELOPED IS SURE TO BE CITED AS NATIONAL STANDARDS OF GOOD PRACTICE FOR ALL;

. FINALLY, UNDERLYING ALL THESE PROPOSALS AND OTHERS WHICH I HAVE NOT COVERED, IS THE CONTINUING DEBATE OVER REHABILITATION

VS. PUNISHMENT AS A GOAL OF OUR NATION'S PRISON SYSTEMS.

NORMAN A. CARLSON, DIRECTOR OF THE BUREAU OF PRISONS AT THE DEPARTMENT OF JUSTICE, RECENTLY STATED THAT "THE MAJORITY OF FORMER FEDERAL PRISON INMATES ARE ABLE TO STAY OUT OF FURTHER LEGAL ENTANGLEMENTS. BUT IT WOULD BE MORE ACCURATE FOR US TO SAY THAT WHILE WE KNOW REHABILITATION CAN TAKE PLACE IN A PRISON SETTING, WE DO NOT KNOW HOW IT TAKES PLACE, WHEN IT TAKES PLACE, IF IT TAKES PLACE, OR WHY IT TAKES PLACE. IF THERE IS A COMMON THREAD AMONG THE MANY FORMER INMATES I HAVE KNOWN WHO ARE NOW PRODUCTIVE CITIZENS, THEIR REFORMATION HAS BEEN A MATTER OF PERSONAL WILL AND DESIRE. THAT IS SOMETHING WE CAN TRY TO INFLUENCE AND FACILITATE, BUT IT IS NOT SOMETHING WE CAN CONTROL."

IN ANOTHER ADDRESS, HE STATED THAT "WE ARE ACKNOWLEDGING THE LIMITS OF WHAT WE CAN REALISTICALLY ACCOMPLISH IN TERMS OF CORRECTING OFFENDERS. IN THE PAST WE HAVE USED THE 'MEDICAL MODEL' FOR HANDLING CRIMINAL OFFENDERS, WHICH IMPLIED THAT OFFENDERS WERE SICK, THAT WE COULD DIAGNOSE THE CAUSE OF THEIR ILLNESS, AND THAT WE COULD TREAT AND CURE THEIR CRIMINALITY. TODAY MOST OF US ARE DISCARDING THE 'MEDICAL MODEL' AND ARE MOVING TOWARDS A NEW MODEL THAT OFFERS OFFENDERS MAXIMUM PROGRAM OPPORTUNITIES IN WORK, EDUCATION, AND TRAINING, AND ALLOWS EACH TO ASSUME RESPONSIBILITY FOR HIS OR HER OWN LIFE AND DESTINY."

IT IS FROM THESE AND OTHER OFFICIAL POLICY STATEMENTS THAT THE CURRENT DEBATE HAS ARISEN.

AS STATED EARLIER, EACH OF THESE PROPOSALS AND THE PROBLEMS WHICH MAY OR MAY NOT ARISE FROM THEM PRESENT CHALLENGES TO YOU AS BOTH PROFESSIONALS ON THE JOB AND AS AN ORGANIZATION REPRESENTING THE INTERESTS OF MEXICAN AMERICANS. WITH THIS IN MIND, I WILL END MY REMARKS BY RECOMMENDING A FEW COURSES OF ACTION YOU MIGHT WANT TO TAKE TO MAKE YOUR VIEWS KNOWN.

FIRST, GIVE SOME THOUGHT TO DEVELOPING A FEDERAL/STATE GOVERNMENT LIAISON COMMITTEE SO THAT YOU CAN MORE CLOSELY FOLLOW CONTROVERSIAL DEVELOPMENTS IN CORRECTIONS, ESPECIALLY THOSE THAT IMPACT DIRECTLY ON THE MEXICAN AMERICAN. OPINIONS, ASSOCIATION POLICY STATEMENTS, OR BACKGROUND DISCUSSION MATERIAL ON VARIOUS TOPICS WILL INEVITABLY RESULT FROM SUCH A COMMITTEE'S RESEARCH. THIS MATERIAL, SUBSEQUENTLY PASSED ON IN THE FORM OF REPORTS OR TESTIMONY, WILL SURELY BENEFIT THE FURTHER GROWTH OF THIS ASSOCIATION.

THE COMMITTEE MAY WANT TO TAKE AN IMMEDIATE LOOK AT THE NATIONAL PRISON STANDARDS AND THEN ADOPT A POSITION ON HOW THEY MIGHT AFFECT YOUR CONSTITUENCY. I HAVE MADE ARRANGEMENTS WITH THE JUSTICE DEPARTMENT TASK FORCE ON CORRECTIONS TO PASS A COPY OF THE PROPOSED STANDARDS TO YOU FOR COMMENT AS SOON AS THEY ARE AVAILABLE. ANGEL ALDERETE, A MEMBER OF MY WESTERN REGIONAL

STAFF AND A CLOSE FRIEND OF MOST OF YOU, WILL ACT AS YOUR CONTACT FOR THIS EFFORT. I URGE YOU TO TAKE ADVANTAGE OF THIS OPPORTUNITY.

SECONDLY, I SINCERELY BELIEVE THAT THE PRESENCE OF MORE MEXICAN AMERICAN CORRECTIONS OFFICERS IN THE PRISONS WILL CONTRIBUTE TO A GREATER ATMOSPHERE OF PEACE AND TRANQUILITY. BUT EVEN MORE IMPORTANT IS THE DEVELOPMENT OF COOPERATIVE INTERRACIAL, INTER-ETHNIC ATTITUDES BETWEN INMATES AND PRISON OFFICIALS. AN ORGANIZATION LIKE YOURS, LITERALLY REPRESENTING A POOL OF TALENT IN INTER-ETHNIC RELATIONS, IS IN A UNIQUE POSITION TO OFFER SPECIALIZED ASSISTANCE. YOU SHOULD TAKE THE INITIATIVE IN DEVELOPING MATERIALS -- IN BOTH ENGLISH AND SPANISH -- FOR PRISONERS AND OFFICIALS SO THAT THEY CAN BETTER UNDERSTAND AND RELATE TO EACH OTHER'S EXPERIENCE IN SOME MEANINGFUL WAY.

THIRDLY, WE ARE ALL AWARE THAT THE CORRECTIONS OFFICER DEALS WITH ONLY A FRAGMENT OF THE INMATE'S LIFE. OTHER INSTITUTIONS MAKE OR BREAK THE PRISONER BEFORE OR AFTER HIS FATEFUL YEARS IN THE CORRECTIONAL SETTING.

THEREFORE, HISPANIC ORGANIZATIONS LIKE MACA SHOULD ADDRESS THEMSELVES TO THE WHOLE PERSON IN THE PRISONER'S LIFETIME, NOT JUST TO THAT FRAGMENT LABELED "CONVICT."

I RECOMMEND THAT YOU CONSIDER BRINGING TOGETHER AN ALLIANCE OF HISPANIC GROUPS WHOSE PURPOSE WOULD BE TO SAVE HISPANIC PEOPLE FROM WALKING THE ROAD TO INCARCERATION, AND WHO WOULD WORK ALONG WITH HISPANIC INMATES DURING AND AFTER THEIR INCARCERATION TO GUARD AGAINST THEIR RETURN.

TO INITIATE SUCH A PROGRAM, I SUGGEST YOU MEET WITH ASSOCIATIONS OF HISPANIC EDUCATORS, HISPANIC SOCIAL WORKERS, HISPANIC ATTORNEYS, HISPANIC POLICE, AND HISPANIC BUSINESSMEN. SUCH AN ALLIANCE, UNITED BEHIND A SINGLE PURPOSE SUCH AS THE ACHIEVEMENT OF A 50 PERCENT REDUCTION IN THE NUMBER OF HISPANIC PRISONERS IN 20 YEARS, WOULD HAVE THE FULL ASSISTANCE OF THE COMMUNITY RELATIONS SERVICE. I'M ALSO QUITE SURE IT WOULD BE ABLE TO DESIGN PROGRAMS CAPABLE OF WINNING APPRECIABLE SUPPORT FROM THE DEPARTMENT OF JUSTICE.

FINALLY, I ASK THAT YOU CONTINUE TO TAKE ON PROJECTS LIKE THOSE I REFERRED TO AT THE BEGINNING OF MY ADDRESS. WITHOUT THESE COMMUNITY PROJECTS, WHICH REVEAL YOUR ASSOCIATION'S ABILITY TO OPERATE EFFECTIVELY, YOU STAND ON NOTHING MORE THAN THE FACT THAT YOU ARE JUST ANOTHER HISPANIC-INTEREST ORGANIZATION. ALWAYS REMEMBER THIS TIME-PROVEN RULE: CREDIBILITY IS NOT GRANTED SIMPLY FOR STATURE, BUT RATHER BY THE VIRTUE OF ACTIONS.

YOU SHARE A GREAT RESPONSIBILITY IN PREPARING FOR THE FUTURE AND IN PROVING THAT THE MEXICAN AMERICAN CORRECTIONS OFFICER HAS

A UNIQUE OFFERING TO MAKE IN IMPROVING OUR CRIMINAL JUSTICE SYSTEM. YOU CANNOT AND MUST NOT FAIL. THERE IS TOO MUCH AT STAKE.

THANK YOU.